



PROFESSOR SARAH H. CLEVELAND

U.S. CANDIDATE

INTERNATIONAL COURT OF JUSTICE

2024-2033

INDEPENDENCE • RIGOR • HUMANITY

“The United States deeply values the work of the International Court of Justice and its contributions to the peaceful settlement of disputes. Professor Cleveland has been an excellent ambassador for international law and possesses the strength, commitment, and vision to help guide the court in its important work in the years ahead.”

–U.S. Secretary of State Antony J. Blinken





I am pleased to inform you that the U.S. National Group has nominated Professor Sarah Cleveland for election to the International Court of Justice. Professor Cleveland is an esteemed scholar of international law who also has extensive experience in multilateral settings. I seek your support for her election to the Court in Fall 2023.


Professor Cleveland holds the Louis Henkin Chair in Human and Constitutional Rights and is Faculty Co-Director of the Human Rights Institute at Columbia University Law School in New York, where she has been a member of the law faculty since 2007. She has also been a visiting professor at Harvard and Michigan law schools, University Panthéon-Assas (Paris II) and Sciences-Po University in France, the Graduate Institute of International and Development Studies in Switzerland, and the European University Institute in Italy.

Professor Cleveland served as vice chair and member of the UN Human Rights Committee (2015-2018) and as the U.S. member on the European Commission for Democracy Through Law (Venice Commission) of the Council of Europe (2013-2019). She is presently a member of the Ad Hoc Conciliation Commission for Qatar v. United Arab Emirates in the Committee on the Elimination of Racial Discrimination (since 2020). From 2009 to 2011, Professor Cleveland served as Counselor on International Law in the U.S. Department of State's Office of the Legal Adviser. She continues to serve as a Commissioner of the International Commission of Jurists, a Council Member of the International Bar Association's Human Rights Institute, and a member of the U.S. Secretary of State's Advisory Committee on International Law. As a noted expert in U.S. foreign relations law, Professor Cleveland was also the Co-Coordinating Reporter of the American Law Institute's Restatement (Fourth) of the Foreign Relations Law of the United States (2018).

Cleveland began her career in public interest practice representing migrant farmworkers, and then joined the faculty at the University of Texas School of Law (2001-2007). She earned a Bachelor's Degree with honors at Brown University; a Master's Degree at Oxford University, where she studied as a Rhodes Scholar; and a J.D. at Yale University Law School. She clerked for Judge Louis F. Oberdorfer on the United States District Court for the District of Columbia, and then for Justice Harry A. Blackmun on the United States Supreme Court. She has published widely on international law subjects and has been involved in human rights litigation in the United States and before the Inter-American Court of Human Rights.

The United States deeply values the work of the International Court of Justice and its contributions to the peaceful settlement of disputes. Professor Cleveland has been an excellent ambassador for international law and possesses the strength, commitment, and vision to help guide the Court in its important work in the years ahead. Her knowledge, experience, and dedication to the rule of law make her an outstanding choice for this important position. I strongly support Professor Cleveland's election and hope you will vote for her in Fall 2023.

Sincerely,


Antony J. Blinken
Secretary of State
Washington, D.C.

“If elected to serve, I would be dedicated to preserving the integrity and authority of the Court, and securing the faithful interpretation of international law.”



SARAH H. CLEVELAND VISION STATEMENT

It is a great honor, and a great responsibility, to be nominated as the U.S. candidate to the International Court of Justice (ICJ). The ICJ was established to serve as the judicial arm of the United Nations—an institution created to protect and preserve world peace after a devastating global war. For over seven decades, the Court has served as a guardian of international law, facilitating the peaceful resolution of disputes between States and advising UN organs on pressing questions of international law. Today, numerous challenges confront the post-war international legal order. The Court's work has never been more important.

I have dedicated my professional life to preserving the integrity of international law and strengthening the effectiveness of the international legal system. I have done so in my roles as a professor of international law, as an independent expert advising States through the UN Human Rights Committee, the Venice Commission, and other multilateral bodies, and as an international lawyer and expert adviser to the U.S. government. I have advanced rights and obligations under international law through defending migrant farmworkers in the United States and refugees detained at Guantánamo, challenging the United States' counterterrorism detention policies, and litigating before the Inter-American Court of Human Rights. For over a quarter century I have taught my students the importance of international law through the jurisprudence of the ICJ and that of regional and other international courts. In all these capacities, I have sought to secure the faithful interpretation of international law, while ensuring that States respect their international legal obligations.

As a result of these endeavors, I possess a deep understanding of how States and international

institutions engage with international law and the challenges they confront. My expert assistance to the Human Rights Committee, the Venice Commission, and other bodies has enriched my deep respect for the diversity of the world's legal systems and the important contributions of both the civil and common law. From my early experience at the U.S. Supreme Court, to examining individual communications for the Human Rights Committee, I understand that adherence to rules of jurisdiction and the diligent application of procedure is central to the legitimacy of any adjudicative institution. This is particularly true for the ICJ, a Court that exercises jurisdiction based on the consent of sovereign States. As a lifelong scholar and practitioner of domestic and international procedure, including preparing the ALI's Restatement (Fourth) of the Foreign Relations Law of the United States, I take rules of jurisdiction, admissibility, and other procedures very seriously.

If elected to serve, I would bring a lifetime of experience as a scholar, practitioner, and diplomat to the Court. I would be independent, meticulously impartial, respectful of the interests of all States appearing before the Court, and rigorously dedicated to preserving the integrity and authority of the Court and international law. I would decide each case faithfully based on the relevant principles of international law and the facts at issue. The United States National Group has a long history of nominating highly respected judges to the Court, including Judge Joan Donoghue, the current President, who is one of only five female permanent judges in the Court's 77-year history. I would be honored to follow in her footsteps in upholding that venerable tradition.

“For over a quarter century, I have taught my students the importance of international law through the jurisprudence of the ICJ and that of regional and other international courts.”



Academic and Teaching Experience

Columbia University Law School (Since 2007)

Louis Henkin Professor of Human and Constitutional Rights

Teaching and research in public international law, international and comparative human rights, international humanitarian law, national security law, constitutional law of U.S. foreign relations, and federal civil procedure.

Faculty Co-Director, Human Rights Institute.

American Law Institute (2012-2018)

Restatement (Fourth) of the Foreign Relations Law of the United States: Jurisdiction, Treaties, and Sovereign Immunity

Co-Coordinating Reporter overseeing preparation of major treatise on U.S. foreign relations law; Reporter on Status of Treaties in U.S. Domestic Law.

University of Texas School of Law (1997-2007)

Marrs McLean Professor in Law (2001-2007); Professor of Law (2000-2001); Assistant Professor (1997-2000)

International Visiting Appointments:

- Sciences Po University, Paris, France (2016, 2019, 2020, 2021)
- Panthéon-Assas University (Paris II), Paris, France (2017)
- Graduate Institute of International and Development Studies, Geneva, Switzerland (2017)
- University of Leiden, Summer Program, Leiden, Netherlands (2016)
- European University Institute, Fiesole, Italy (2008, 2012, 2015)
- George Washington-Oxford Summer Program in International Human Rights Law, Oxford, UK (2006-2007)



Multilateral Institutions Experience

Ad Hoc Conciliation Commission, UN Committee on the Elimination of Racial Discrimination (Since 2020)

Member in Qatar v. United Arab Emirates

High Level Panel of Legal Experts on Media Freedom (2019-2021)

Member

Independent expert advisory body to the Joint UK-Canadian Global Campaign on Media Freedom.

UN Human Rights Committee (2015-2018)

Vice Chairperson (2018); Special Rapporteur for New Communications and Interim Measures (2017-2018); Special Rapporteur for Follow-up to Concluding Observations (2015-2017)

Elected as independent expert on UN treaty body monitoring State implementation of International Covenant on Civil and Political Rights.

European Commission for Democracy through Law (Venice Commission), (2010-2019)

Vice Chair of Sub-Commission on Rule of Law and Sub-Commission on Federal States (2013-2019); Member, Sub-Commission on Latin America (2015-19); Liaison Officer to U.S. Supreme Court (2018-2019).

Independent U.S. Member on Council of Europe's expert advisory body on fundamental rights and rule of law.

“In these challenging times, the Court’s role in the peaceful resolution of disputes has never been more important.”



U.S. Government Service

U.S. Department of State (Since 2011)

Member of the Secretary of State's Advisory Committee on International Law

U.S.-China Legal Experts Dialogue (2012-2013)

Expert member of U.S. delegation

U.S. Department of State, Office of the Legal Adviser (2009-2013)

Attorney-Adviser International (Expert) (2011-2013):

Expert legal assistance to Office of the Legal Adviser on international law issues including treaty interpretation and implementation, human rights, international justice, armed conflict, counterterrorism, and U.S. domestic litigation.

Counselor on International Law to the Legal Adviser (2009-2011):

- Supervising Deputy Legal Adviser for Office of Political/Military Affairs and Central and Southeast Asia.
- Helped supervise international legal work of State Department, including developing Department positions in the executive branch and U.S. positions before UN and regional bodies. Helped oversee legal work relating to treaty interpretation and implementation, human rights, international justice, armed conflict, counterterrorism, and U.S. domestic litigation involving international law and foreign relations issues.
- Assisted with numerous briefs at all levels of federal judiciary including U.S. Supreme Court; United States submissions before the ICJ in Accordance with International Law of the Unilateral Declaration of Independence by the Provisional Institutions of Self-Government of Kosovo, and implementation of the ICJ judgment in *Avena and Other Mexican Nationals (Mexico v United States of America)*.

Judicial Clerkships

Supreme Court of the United States, Washington, D.C. (1993-1994)

Law clerk to Associate Justice Harry A. Blackmun

United States District Court, Washington, D.C. (1992-1993)

Law clerk to Judge Louis F. Oberdorfer

Professional Honors and Awards

- ASIL Robert E. Dalton Book Award for Outstanding Contribution in the Field of Foreign Relations Law (2022)
- *Doctorado Honoris Causa*, Instituto Universitario de Yucatán, Mexico (2020)
- Excellence in International Law Teaching Award, Columbia International Law Society (2014)
- Certificate of Appreciation, U.S. Department of State (2011)
- Excellence in Teaching Award, University of Texas School of Law (2000-2001)

Academic Journal Affiliations

- *International Review of the Red Cross*, Board of Editors (2015-2020)
- *Journal of International Economic Law*, Board of Editors (2004-2015)
- *Columbia Journal of Transnational Law*, Board of Directors (Since 2007)

Education

Yale Law School, New Haven, CT. (1992)

Juris Doctor Degree

Senior Editor, *Yale Law & Policy Review*.

Mary McCarthy Fellowship in Public Interest Law.

University of Oxford, Lincoln College, Oxford, United Kingdom. (1989)

Master of Studies (M.St.) in British Imperial & Commonwealth History

Rhodes Scholar 1987-89.

Brown University, Providence, RI. (1987)

Honors A.B., Magna Cum Laude

Independent Concentration in Law & Mental Health

Phi Beta Kappa

Expert Bodies and Professional Memberships

- Human Rights First, Board of Directors, New York, NY (Since 2021).
- Microsoft Technology and Human Rights Advisory Council (Since 2021).
- Geneva Human Rights Platform, Advisory Board, Geneva Academy of International Humanitarian Law and Human Rights, Geneva, Switzerland (Since 2020).
- Independent International Legal Advocates, Advisory Council, New York, NY (Since 2020).
- Centre for Civil and Political Rights, Advisory Board, Geneva, Switzerland (Since 2020).
- Clooney Foundation for Justice, Trial Watch Advisory Board, New York, NY (2019-2021).
- International Commission of Jurists, Commissioner, Geneva, Switzerland (Since 2018).
- International Bar Association Human Rights Institute, Council Member, London, UK (Since 2013).
- Institute of International Peace and Security Law, University of Cologne, Germany, Advisory Board (Since 2015).
- American Law Institute Member, Washington, D.C. (Since 2007).
- American Society of International Law (Since 1998). Executive Council Member (2014-2017).

Bar Memberships

- International Bar Association (Since 2019); Human Rights Committee, Co-Vice Chair (2020), Advisory Board (2021).
- Supreme Court of the United States Bar Association (Since 2012).
- American Bar Association (Since 1998).

Other Professional Experience

- Aspen Institute/NYU-Columbia Federal Judicial Training Seminars. Instructor in seminar for U.S. federal and state judges on international human rights and international humanitarian law (2007-2018).
- Project on Harmonizing Standards for Armed Conflict. Co-director of transnational expert project on strengthening legal protection in non-international armed conflict (2012-2016).
- Stimson Center, Ethics and Law Working Group, Task Force on U.S. Drone Policy, Washington, DC (2013- 2014).
- Afghanistan Transitional Commercial Law Project Working Group. Expert on ABA-sponsored project drafting employment code for post-Taliban Afghanistan (2003).
- Erlernborn Commission, Legal Services Corporation. Member of federal commission reviewing the provision of legal assistance to aliens in the United States (1999).
- Florida Legal Services, Belle Glade, FL. Skadden Fellow. Conducted civil impact litigation on behalf of sugar cane guestworkers and other migrant farmworkers (1994-1996).
- American Civil Liberties Union Foundation of Florida, West Palm Beach, FL. Cooperating attorney on broad constitutional civil rights litigation docket (1994-1996).
- Schell Center for Human Rights Research Project in Namibia, Yale Law School. Comparative research on Namibia's constitutional transition in Namibia, South Africa and Zimbabwe (1990).
- United Nations High Commissioner for Refugees, Geneva, Switzerland. Research on repatriation of South African refugees (1990).
- Commission on the Skills of the American Workforce, National Center on Education & the Economy, Rochester, NY. Comparative European research in Denmark, Germany, Ireland, Sweden (1989-1990).
- Telesis, Providence, RI. Research on adult education programs in Denmark, Germany, Ireland, Sweden (1989); Munich, Germany (1988).



“From my early work on behalf of Haitian refugees detained on Guantánamo to my recent scholarship on U.N. human rights institutions, I have devoted my career as a scholar, government lawyer and practitioner to promoting the integrity of international law.”

Select Publications

Books

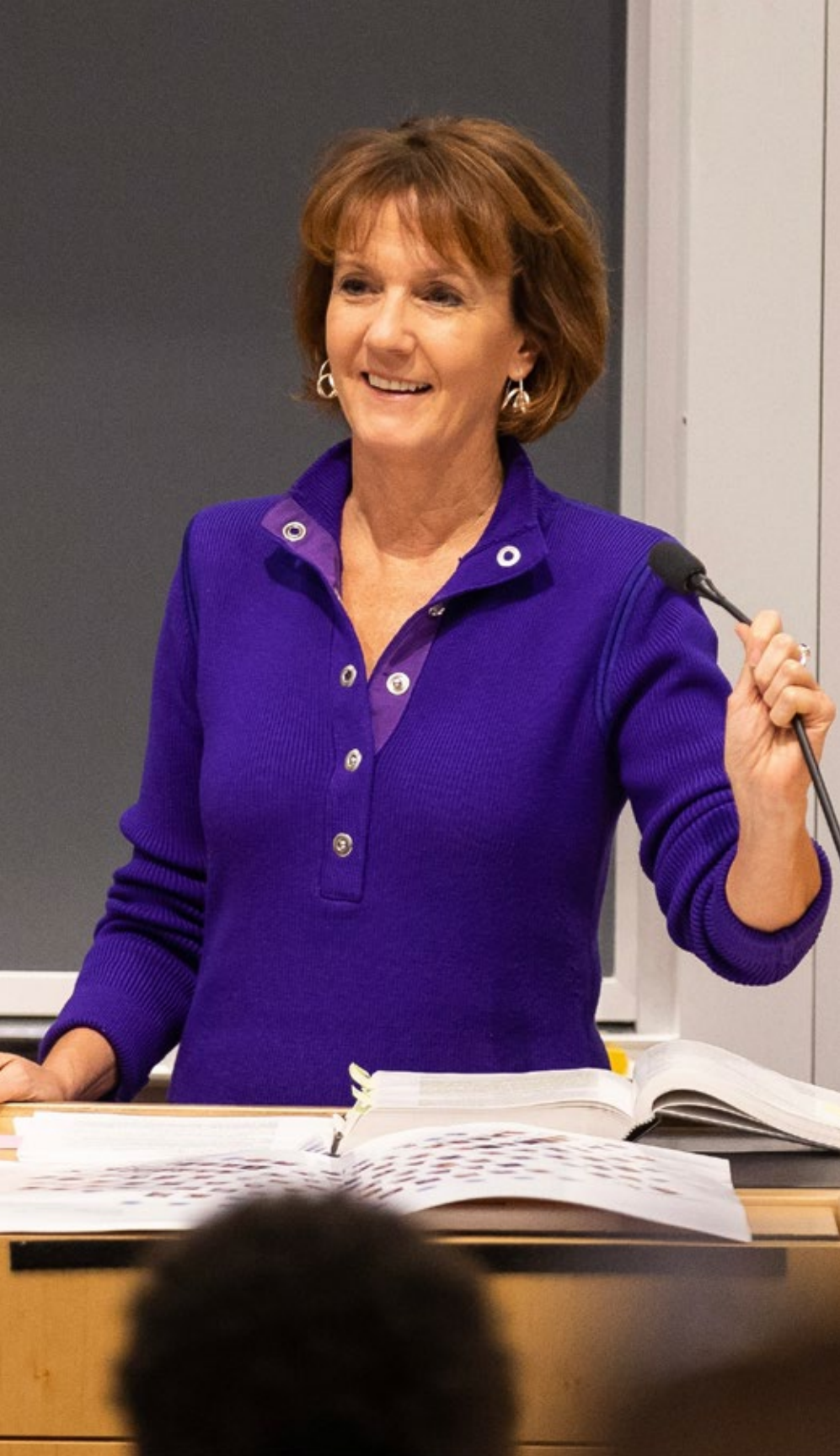
- PAUL STEPHEN & SARAH CLEVELAND, EDS., *THE RESTATEMENT AND BEYOND: THE PAST, PRESENT, AND FUTURE OF U.S. FOREIGN RELATIONS LAW* (2020).
- HENKIN, CLEVELAND, ET AL., *HUMAN RIGHTS* (2009), AND *SUPPLEMENT* (2013)

Articles, Essays and Book Chapters

- *Human Rights Connectivity: The Future of the Treaty Body System*, in *THE FUTURE OF HUMAN RIGHTS*, N. Bhutal, ed. (forthcoming 2023).
- *A Human Rights Agenda for the Biden Administration*, 115 *AJIL UNBOUND* 57 (Jan. 22, 2021).
- *Hate Speech at Home and Abroad*, in *THE FREE SPEECH CENTURY*, L. Bollinger & G. Stone, eds. (2018).
- *Human Rights Treaty Bodies in the Age of Connectivity*, in *SYSTÈME DE PROTECTION DES DROITS DE L'HOMME DES NATIONS UNIES: PRÉSENT ET AVENIR* (2017).
- *Outcomes Report, Review of the Human Rights Treaty Bodies System, Latin America Expert Regional Consultation*, San José, Costa Rica (2017) (co-author).
- *Defining and Punishing Offenses Under Treaties*, 124 *YALE L. J.* 2202 (2015) (with William Dodge).
- *After Kiobel*, 12 *J. INT'L CRIMINAL JUSTICE* 551 (2014).
- *Embedded International Law and the Constitution Abroad*, 110 *COLUM. L. REV.* 101 (2010).
- *Our International Constitution*, 31 *YALE J. INT'L L.* 1 (2006).
- *International Decisions: Legal Status and Rights of Undocumented Workers*, 99 *AM. J. INT'L L.* 460 (2005).
- *Hamdi Meets Youngstown: Justice Jackson's Wartime Security Jurisprudence and the Detention of Enemy Combatants*, 68 *ALBANY L. REV.* 1127 (2005).
- *Why International Labor Standards?*, in *INTERNATIONAL LABOR STANDARDS: GLOBALIZATION, TRADE AND PUBLIC POLICY*, R. Flanagan & W. Gould IV, eds. (2003).
- *Inter-American Court of Human Rights Amicus Curiae Brief: The United States Violates International Law When Labor Law Remedies Are Restricted Based on Workers' Migrant Status*, 1(3) *SEATTLE J. SOCIAL JUSTICE* 795 (Spring/Summer 2003) (co-author).
- *Powers Inherent in Sovereignty: Indians, Aliens, Territories, and the Nineteenth-Century Origins of Plenary Power over Foreign Relations*, 81 *TEXAS L. REV.* 1 (2002).
- *Human Rights Sanctions and International Trade: A Theory of Compatibility*, *J. INT'L ECON. L.* 133 (2002).
- *Norm Internalization and U.S. Economic Sanctions*, 26 *YALE J. INT'L L.* 1 (2001).
- *Crosby and the "One Voice" Myth in U.S. Foreign Relations*, 46 *VILLANOVA L. REV.* 975 (2001).
- *Human Rights Sanctions and the World Trade Organization*, in *HUMAN RIGHTS, THE ENVIRONMENT, AND LIBERALIZATION OF INTERNATIONAL TRADE* (F. Francioni, ed.), 2001.
- *Do Dangerousness-Oriented Commitment Laws Restrict Hospitalization of Patients Who Need Treatment? A Test*, 40(3) *HOSP. & COMM. PSYCH.* (1989) (co-author).

Select Presentations

- Participant, *The Oxford Process on International Law: How International Law Protects in Cyberspace*, Blavatnik School of Government, Oxford University, Oxford, UK (2022).
- Panelist, Closing Plenary, *The London Conference on International Law: States in Emergency, International Law at a Time of Reckoning*, London, UK (2022).
- Panelist, *Access to Justice and State of Emergency in Turkey: Current State and Way Ahead*, International Commission of Jurists, Istanbul, Turkey (2020).
- Panelist, *Guidelines on Investigating Violations of IHL*, Permanent Mission of Switzerland to the UN, UN Headquarters, New York (2019).
- Expert Participant, *Challenges in the Design and Implementation of the Colombian Peace Agreement with the FARC*, Bogota, Colombia (August 2019).
- Keynote Lecture, *Connectivity of Human Rights Mechanisms*, Annual Conference of the Geneva Academy Human Rights Platform, Geneva, Switzerland (June 2019).
- Participant, *Workshop on ILC proposal on draft articles on Crimes against Humanity*, Harvard Law School, Cambridge, MA (Jan 2019).
- Lecture, *A Global Pact for the Environment?*, University of Sciences-Po Law School, Paris, France (2018).
- Lecture, *Strengthening Legal Protections in Modern Armed Conflict*, Hans Kelsen Memorial Lecture on International Peace and Security Law, University of Cologne, Germany (2017).
- Participant, *International Organizations and Customary International Law: Expert Workshop for the International Law Commission*, Michigan Law School, Ann Arbor, MI (2017).
- Presenter, *Follow-up and Implementation of HRC Recommendations to States*, Workshop between Human Rights Committee and the Inter-American Court of Human Rights, San Jose, Costa Rica (2016).
- Panelist, *Oxford Debate: Should There be a World Court of Human Rights?*, Oxford University, UK (2016).
- Panelist, *Gross Human Rights Violations and the Impact in Domestic Legal Orders*, Opening Ceremony of the Judicial Year of the Inter-American Court of Human Rights, San Jose, Costa Rica (2016).
- Presenter, *Judicial Development of International Humanitarian Law*, for conference “International Humanitarian Law and Modern Warfare,” Italian Ministry of Defense, Rome, Italy (2015).
- Panelist, *Round Table on Current Issues of IHL: The Distinction between International and Non-International Armed Conflict*, Institute of International Humanitarian Law, San Remo, Italy (2015).
- Panelist, UN Human Rights Council, *The Promotion and Protection of the Right to Privacy in the Digital Age*, Geneva, Switzerland (2014).
- Presenter, *The Use of Chemical Weapons as a Criminal Offense*, at “A World Free of Chemical Weapons, and Beyond,” University of Rome, Italy (2014).
- Participant, *Luxembourg Forum*, meeting of U.S. Supreme Court and European Court of Justice, Luxembourg (2014).
- Panelist, *Convergence and Conflicts of Human Rights and International Humanitarian Law in Military Operations*, University of Pretoria, South Africa (2012).



“As a teacher, I often close my course with a quote from U.S. Supreme Court Justice Oliver Wendell Holmes: ‘Go out and live greatly in the law, find your passion, and wear your heart out after the unattainable.’ We may not always be able to secure all our aspirations as a nation, for ourselves and humanity. But grounded in our values, our Constitution and our laws, we must never waver from that quest.”



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